

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:11-CV-023 -RLV-DCK**

ELIZABETH WARD NEWCOMB,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff's letter to the Court which is being construed as a "Motion For Extension Of Time" (Document No. 10) filed August 30, 2011. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will grant the motion.

Pro se Plaintiff Elizabeth Ward Newcomb filed this action on February 7, 2011, seeking review of a final determination of the Commissioner of Social Security. (Document No. 1). On June 29, 2011, the Court issued a Pretrial Scheduling Order (Document No. 9) requiring Plaintiff to file a motion for summary judgment and supporting memorandum on or before September 1, 2011.

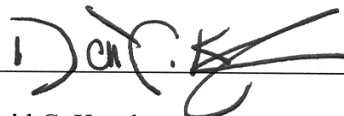
This Court's review of a final decision of the Commissioner is limited to: (1) whether substantial evidence supports the Commissioner's decision; and (2) whether the Commissioner applied the correct legal standards. *Richardson v. Perales*, 402 U.S. 389, 390 (1971); *Hays v. Sullivan*, 907 F.2d 1453, 1456 (4th Cir. 1990). As previously noted by the Court, motions for summary judgment are routinely decided on the pleadings submitted; however, a party may request

a hearing of oral arguments by providing good reason for such hearing along with the party's memorandum of law. (Document No. 9).

The "motion" before the Court is a letter in which Plaintiff essentially seeks an extension of time to obtain counsel and/or to file her motion for summary judgment. (Document No. 10). The undersigned will allow Plaintiff an extension of time to file her motion for summary judgment, with or without the assistance of counsel. Plaintiff's motion and supporting memorandum should discuss the relevant facts of this case and describe in detail whether substantial evidence supports the Commissioner's decision, and/or whether the Commissioner applied the correct legal standards in reaching his decision.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For Extension Of Time" (Document No. 10) is **GRANTED**. Plaintiff may file a motion for summary judgment with a supporting memorandum on or before **October 14, 2011**.

Signed: August 31, 2011



David C. Keesler
United States Magistrate Judge

